IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 12383 of 2007(Y)

PETITIONER:

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1. GANESH BABU.V., HEALTH INSPECTOR,
   PRIMARY HEALTH CENTRE, KANDANASSERY, THRISSUR
   DISTRICT.

2. AYYAPPASWAMY.S., HEALTH INSPECTOR,
   PRIMARY HEALTH CENTRE, KUNISSERY,
   PALAKKAD DISTRICT.

BY ADV. SRI.CHERIAN VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO GOVERNMENT, HEALTH AND
   F.W.DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
   THIRUVANANTHAPURAM.

3. V.M.VIMALA, HEALTH SUPERVISOR,
   PRIMARY HEALTH CENTRE, NANNIYODE,
   PALAKKAD.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 12383 OF 2007

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Dated this the 11th day of September, 2007.

JUDGMENT

The petitioners entered service through Public Service Commission as Junior Health Inspector Grade II . They were later promoted as Health Inspector/Filaria Inspector. The next promotion is the post of Health Supervisor.

2. The petitioners claimed that they were entitled to get promotion as Health Supervisor under Rule 9(d) of KS & SSR Part II . According to them, they have passed Minority Language Test conducted by the P.S.C. They claim that for the post of Health Supervisor, persons possessing knowledge of particular regional language is necessary and therefore overlooking the seniority they should be appointed as Health Supervisor under Rule 9(d). Apparently representations were preferred by the petitioner. Pointing out the existence of Health Supervisor in Peerumedu, Udumpanchola and Devikulam Taluks, they approached this Court, but the request has not been considered.

3. The Director of Services filed a statement as directed by this Court. The job responsibilities of Health Supervisors are described in

Ext.P8. Health Supervisors are the second level supervisory officials in Block Primary Health Centres and Community Health Centres. It is further stated as follows:

> "As disclosed in Ext.P8 their job responsibilities are related to supervision of lower level employees and helping the medical officers in the smooth running of primary health care institutions. Health Supervisor occupies the highest level among the cadres of field staff in the primary health care institutions. As part of administrative responsibilities he shall assist medical officers in organising and implementing various health and family welfare programmes. He shall collect report from health inspectors/Lady health inspectors. He should keep copies of job responsibilities of all categories of staff in the primary health centre. Giving induction training to new recruits co-ordinating the activities in the area with all other Government departments are also his responsibilities."

4. It is also contended that the Government has not hitherto formulated an opinion that Rule 9(d) of KS & SSR should necessarily be invoked for appointment of Health Supervisors by promotion, as contended by the petitioners. Unless the Government formulates such an opinion, the power under Rule 9(d) obviously cannot be invoked.

5. After having heard learned counsel for the petitioner and the learned Government Pleader, I am of the opinion that the writ petitioners obviously cannot insist that they should be promoted as Health Supervisors invoking Rule 9(d) merely because they have a

reasonable proficiency in Tamil language. It is open to the Government to decide whether Rule 9(d) should be invoked in relation to any service, class or category. The provision is obviously enabling in character. It cannot afford any right as such to Government servants to insist that they shall be considered for promotion overlooking seniority by invoking Rule 9(d). In my opinion, the claim made by the petitioners in this regard are misconceived.

The writ petition is dismissed.

V. GIRI, JUDGE.

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